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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,700	09/30/2003	Brian V. Belmont	P16793	8134

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EXAMINER

KARIKARI, KWASI

ART UNIT PAPER NUMBER

2617

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,700

Applicant(s)

BELMONT ET AL.

Examiner

Kwasi Karikari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-9,11,12,14-16,18,19,21-23,25,26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) 3,6,10,13,17,20,24 and 27 (canceled) is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4,5,7-9,11,12,14-16,18,19,21-23,25,26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. Claims 3,6,10,13,17,20,24 and 27 have been canceled.

Response to Arguments

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,8,15 and 22 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed limitations "the notification including a signal from the cell phone", in claims 1,8,15 and 22 are not clearly described in the specification as originally filed and this constitute new matter. All claims that depend on

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the above rejected claims are also rejected for fully incorporating the deficiencies of the above rejected claims from which they depend. Appropriate corrections are required.

4. Applicant's arguments filed 06/27/2006 have been fully considered but they are not persuasive.

a. In response to Applicant's outstanding argument that the combination of Simpson (U.S 20040266399 A1) and George (U.S 6,122,348) do not teach or suggest the claimed element of "retrieving information in addition to a caller ID associated with the incoming call", the Examiner respectfully maintains that the cited references in the Office Action is proper (see Simpson, Pars. [0021-22 and 0029-30]; and see George, col. 7, lines 9-41; col.8, lines 4-10 and Fig. 2, item 230). Furthermore, the applicant fails to specifically define what type of addition information is retrieved with the incoming call, other than the caller ID.

b. In response to Applicant's outstanding argument that George (U.S 6,122,348) do not teach or suggest "receiving call notification of an incoming call on a personal data processing device external to the cell phone", the Examiner respectfully maintains that the cited is proper (see George, col. 7, lines 9-41 and col.8, lines 4-10 and Fig. 1 and 2, items 145,115 and 230).

In view of the above remarks, the rejections using Simpson, George and Ihara are proper and maintained as set forth below. These rejections are made FINAL.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,5,8,9,11,12,15,16,18,21-23,25 and 26 are rejected under 35 U.S.C.

103(a) as being unpatentable over Simpson (U.S 20040266399 A1), (hereinafter Simpson) in view of French-St. George et al., (6,122,348), (hereafter George).

Regarding **claims 1 and 15**, Simpson discloses a method /data processing device for managing an incoming call on a cell phone (wireless telephone 100) comprising:

retrieving information (calling number or Caller ID is displayed in the display 102, see Page 3, line 0022) associated with the incoming call; and

enabling a user (a wireless telephone user, see Page 1, line 0004) to manage the incoming call by selecting an appropriate response (the wireless telephone user has an announcement options if he/she could not answer the call, see Page 2, line 0016); but fails to disclose receiving notification of the incoming call on a data processing device that is externally connected to the cell phone.

George teaches a detection of an alert from an incoming call while user is on the computer, where the computer is connected to the server 115 (see col. 7, line 9-41 and Figs. 1 and 2).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of George and Simpson for the benefit of achieving a communication system that uses multiple media options to manage incoming communication event (see Abstract).

Regarding **claim 2**, Simpson further discloses a method according to claim 1 wherein retrieving the information associated with the incoming call further comprises at least one of:

- retrieving the information from the cell phone (wireless telephone displays the Caller ID in the display, see Page 2, line 0016);

- retrieving the information from the data processing device; and

- retrieving the information from a source coupled to the data processing device.

Regarding **claim 4**, Simpson further discloses a method according to claim 3 wherein the appropriate response includes at least one of forwarding the incoming call, requesting a sender of the incoming call to send an instant message and responding to the incoming call with a voicemail message (the wireless telephone user can select an announcement option that allow wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claim 5**, Simpson further discloses a method according to claim 4 wherein responding to the incoming call with the voicemail message further comprises

selecting one of a plurality of voicemail messages as the appropriate response (the wireless telephone user can select a specific voice mail announcement or a general announcement that allows wireless phone to answer on his/her behalf, see Page 2, line 0016).

Regarding **claims 8 and 22**, Simpson discloses an article/system comprising a machine-accessible medium (100) having stored thereon instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032) that, when executed by a machine (see Fig. 2, items 204,206 and 212), cause the machine to manage an incoming call (see Fig. 3, item 302) on a cell phone (100) coupled to the machine by:

retrieving information associated with the incoming call (calling number or Caller ID is displayed in the display 102, see Page 3, line 0022); and

enabling a user to manage the incoming call by selecting an appropriate response (the wireless telephone user has an announcement options if he/she could not answer the call, see Page 2, line 0016), but fails to disclose receiving notification of the incoming call on the machine, the machine being external to the cell phone and coupled to the cell phone via a connection.

George teaches a detection of an alert from an incoming call while user is on the computer, where the computer is connected to the server 115 (see col. 7, line 9-41 and Figs. 1 and 2).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of George and Simpson for the benefit of achieving a

communication system that uses multiple media options to manage incoming communication event (see Abstract).

Regarding **claims 9, 16 and 23**, Simpson further discloses the article/data processing device/system according to claims 1,8 and 22 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to retrieve the information associated with the incoming call by performing at least one of:

- retrieving the information from the cell phone (wireless telephone displays the Caller ID in the display, see Page 2, line 0016);

- retrieving the information from the data processing device or;

- retrieving the information from a source coupled to the data processing device.

Regarding **claims 11, 18 and 25**, Simpson further discloses a method the article/data processing device according to claims 10,17 and 24 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to manage the incoming call by at least one of forwarding the incoming call, requesting a sender of the incoming call to send an instant message and responding to the incoming call with a voicemail message (the wireless telephone user can select a specific voice mail announcement or a general announcement that allows wireless phone to answer on his/her behalf, see Page 2, line 0016).

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Regarding **claims 12, 19 and 26**, Simpson further discloses the article according to claims 11, 18 and 25 wherein the instructions (main memory, see Fig. 2, item 206 and Page 5, line 0032), when executed by the machine, further cause the machine to enable selection of one of a plurality of voicemail messages as the appropriate response (the wireless telephone user can select a specific voice mail announcement or a general announcement that allows wireless phone to answer on his/her behalf, see Page 2, line 0016).

4. Claims 7, 14, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson in view of George and further in view of Ihara et al., (U.S 20040185915 A1), (hereinafter Ihara).

Regarding **claims 7, 14, 21 and 28**, the combination of Simpson and George fail to teach according to claims 6, 13, 20 and 27 wherein the signal is an Attention Command ("AT") signal.

Ihara teaches a silent alerting capability for a Bluetooth hand-free device (see Page 1, line 0004). Ihara further discloses that the user answer at Fig. 3, item 328 initiates an "attention" command or "AT" command from HF device to AG device, see Page 3, line 0025).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Ihara with Simpson and George for the benefit of achieving a silent alert communication system.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rogers et al., (U.S. 5,946,386) teaches a call management system with call control from user workstation computer.

Robinson et al., (U.S. 5,581,604) teaches a method and apparatus for processing an incoming call in a communication system.

McConnell (U.S. 6,418,306) teach a common message waiting notification across landline and wireless telecommunications networks.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

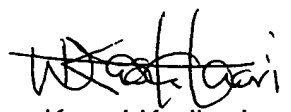
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kwasi Karikari
Patent Examiner.


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER